

**U.S. District Court**  
**District of Connecticut (New Haven)**  
**CIVIL DOCKET FOR CASE #: 3:17-cv-01682-WWE**

National Association for the Advancement of Colored People et al v. U.S. Department of Commerce  
Assigned to: Judge Warren W. Eginton  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/05/2017  
Date Terminated: 02/05/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**National Association for the Advancement of Colored People**

represented by **Michael J. Wishnie**  
Jerome N. Frank Legal Services – Wall St  
Yale Law School  
127 Wall Street  
New Haven, CT 06511  
203-432-4800  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**NAACP Boston Branch**

represented by **Michael J. Wishnie**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**NAACP Connecticut State Conference**

represented by **Michael J. Wishnie**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. Department of Commerce**

represented by **Brenda M. Green**  
U.S. Attorney's Office–BPT  
1000 Lafayette Blvd., 10th Floor  
Bridgeport, CT 06604  
203-696-3000  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/05/2017	<u>1</u>	COMPLAINT against U.S. Department of Commerce ( Filing fee \$400 receipt number 0205-4557964.), filed by NAACP, NAACP Connecticut State Conference, NAACP Boston Branch. (Attachments: # <u>1</u> Exhibit A-G)(Wishnie, Michael) (Entered: 10/05/2017)
10/05/2017		Request for Clerk to issue summons as to U.S. Department of Commerce. (Wishnie, Michael) (Entered: 10/05/2017)
10/05/2017		Judge Warren W. Eginton added. (Anastasio, F.) (Entered: 10/05/2017)

10/05/2017	<u>2</u>	ELECTRONIC FILING ORDER – PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER Signed by Judge Warren W. Eginton on 10/5/2017.(Fazekas, J.) (Entered: 10/05/2017)
10/05/2017	<u>3</u>	NOTICE TO COUNSEL/SELF-REPRESENTED PARTIES : Counsel or self-representing parties initiating or removing this action are responsible for serving all parties with attached documents and copies of <u>1</u> Complaint filed by National Association for the Advancement of Colored People, NAACP Connecticut State Conference, NAACP Boston Branch, <u>2</u> Electronic Filing Order Signed by Clerk on 10/5/2017.(Fazekas, J.) (Entered: 10/05/2017)
10/05/2017	<u>4</u>	ENTERED IN ERROR – ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *U.S. Department of Commerce* with answer to complaint due within *60* days. Attorney *Michael J. Wishnie* *Jerome N. Frank Legal Services – Wall St* *Yale Law School, 127 Wall Street* *New Haven, CT 06511*. (Fazekas, J.) Modified on 10/6/2017 (Fazekas, J.). (Entered: 10/05/2017)
10/06/2017	<u>5</u>	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *U.S. Department of Commerce* with answer to complaint due within *30* days. Attorney *Michael J. Wishnie* *Jerome N. Frank Legal Services – Wall St* *Yale Law School, 127 Wall Street* *New Haven, CT 06511*. (Fazekas, J.) (Entered: 10/06/2017)
11/14/2017	<u>6</u>	NOTICE of Appearance by Brenda M. Green on behalf of U.S. Department of Commerce (Green, Brenda) (Entered: 11/14/2017)
11/15/2017	<u>7</u>	MOTION for Extension of Time until December 15, 2017 to Answer or Otherwise Plead <u>1</u> Complaint by U.S. Department of Commerce. (Green, Brenda) (Entered: 11/15/2017)
11/16/2017	<u>8</u>	ORDER granting <u>7</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 11/16/17. (Gould, K.) (Entered: 11/16/2017)
11/16/2017		Answer deadline updated for U.S. Department of Commerce to 12/15/2017. (Gould, K.) (Entered: 11/16/2017)
11/25/2017	<u>9</u>	MOTION for Leave to Appear Law Student Intern Appearance Attorney Michael Wishnie. by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 11/25/2017)
11/25/2017	<u>10</u>	MOTION for Leave to Appear Law Student Intern Appearance Attorney Michael Wishnie. by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 11/25/2017)
11/27/2017	<u>11</u>	ORDER granting <u>9</u> Motion to Appear Law Student Intern Appearance; granting <u>10</u> Motion to Appear Law Student Intern Appearance. Signed by Judge Warren W. Eginton on 11/27/2017. (LaMura, K.) (Entered: 11/27/2017)
11/29/2017	<u>12</u>	SUMMONS Returned Executed by National Association for the Advancement of Colored People, NAACP Connecticut State Conference, NAACP Boston Branch. U.S. Department of Commerce served on 11/29/2017, answer due 12/29/2017. (Wishnie, Michael) (Entered: 11/29/2017)
12/14/2017	<u>13</u>	ANSWER to <u>1</u> Complaint with Affirmative Defenses by U.S. Department of Commerce.(Green, Brenda) (Entered: 12/14/2017)
03/09/2018	<u>14</u>	Joint MOTION for <i>Entry of Proposed</i> Scheduling Order by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Attachments: # <u>1</u> Text of Proposed Order Joint Proposed Scheduling Order, # <u>2</u> Supplement Certificate of Service)(Wishnie, Michael) (Entered: 03/09/2018)
03/21/2018	<u>15</u>	ORDER granting <u>14</u> Motion for Order. Signed by Judge Warren W. Eginton on 3/21/2018. (LaMura, K.) (Entered: 03/21/2018)
03/21/2018	<u>16</u>	SCHEDULING ORDER Signed by Judge Warren W. Eginton on 3/21/2018.(LaMura, K.) (Entered:

		03/21/2018)
06/14/2018	<u>17</u>	Joint STATUS REPORT by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 06/14/2018)
07/16/2018	<u>18</u>	MOTION for Extension of Time until July 26, 2018 to file Motion for Summary Judgment by U.S. Department of Commerce. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Green, Brenda) (Entered: 07/16/2018)
07/18/2018	<u>19</u>	ORDER granting <u>18</u> Motion for Extension of Time. Defendant's motion for summary judgment is due by July 26, 2018; the response date is September 9, 2018; the reply date is October 19, 2018. Signed by Judge Warren W. Eginton on 7/18/2018. (LaMura, K.) Modified on 7/18/2018 to include deadlines (Gould, K.). (Entered: 07/18/2018)
07/18/2018		Set Deadlines/Hearings: Dispositive Motions due by 7/26/2018 (LaMura, K.) (Entered: 07/18/2018)
07/18/2018		Docket Entry Correction re <u>19</u> Order on Motion for Extension of Time modified to include deadlines. (Gould, K.) (Entered: 07/18/2018)
07/26/2018	<u>20</u>	MOTION for Summary Judgment by U.S. Department of Commerce.Responses due by 8/16/2018 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Material Facts, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Green, Brenda) (Entered: 07/26/2018)
09/04/2018	<u>21</u>	First MOTION for Extension of Time until September 17, 2018 To File Response in Opposition to Motion for Summary Judgment by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 09/04/2018)
09/06/2018	<u>22</u>	ORDER granting <u>21</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 9/6/2018. (LaMura, K.) (Entered: 09/06/2018)
09/06/2018	<u>23</u>	Set/Reset Deadlines as to <u>20</u> MOTION for Summary Judgment . Responses due by 9/17/2018 (LaMura, K.) (Entered: 09/06/2018)
09/17/2018	<u>24</u>	MOTION for Leave to Appear As Law Student Interns by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Attachments: # <u>1</u> Student Appearance Forms)(Wishnie, Michael) (Entered: 09/17/2018)
09/17/2018	<u>25</u>	Memorandum in Opposition <i>and in Support of Cross-Motion for Discovery</i> re <u>20</u> MOTION for Summary Judgment filed by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Attachments: # <u>1</u> Statement of Material Facts Local Rule 56(a)(2) Statement, # <u>2</u> Declaration of Michael J. Wishnie, # <u>3</u> Exhibit Exhibit A, # <u>4</u> Exhibit Exhibit B, # <u>5</u> Exhibit Exhibit C, # <u>6</u> Exhibit Exhibit D, # <u>7</u> Exhibit Exhibit E, # <u>8</u> Exhibit Exhibit F, # <u>9</u> Exhibit Exhibit G, # <u>10</u> Exhibit Exhibit H, # <u>11</u> Exhibit Exhibit I, # <u>12</u> Exhibit Exhibit J, # <u>13</u> Exhibit Exhibit K, # <u>14</u> Exhibit Exhibit L, # <u>15</u> Exhibit Exhibit M, # <u>16</u> Exhibit Exhibit N, # <u>17</u> Exhibit Exhibit O, # <u>18</u> Exhibit Exhibit P, # <u>19</u> Exhibit Exhibit Q, # <u>20</u> Exhibit Exhibit R, # <u>21</u> Exhibit Exhibit S, # <u>22</u> Exhibit Exhibit T, # <u>23</u> Exhibit Exhibit U, # <u>24</u> Exhibit Exhibit V, # <u>25</u> Exhibit Exhibit W, # <u>26</u> Exhibit Exhibit X, # <u>27</u> Exhibit Exhibit Y, # <u>28</u> Exhibit Exhibit Z, # <u>29</u> Exhibit Exhibit AA, # <u>30</u> Exhibit Exhibit BB, # <u>31</u> Exhibit Exhibit CC, # <u>32</u> Exhibit Exhibit DD, # <u>33</u> Exhibit Exhibit EE, # <u>34</u> Exhibit Exhibit FF)(Wishnie, Michael) (Entered: 09/17/2018)
09/17/2018	<u>26</u>	Cross MOTION for Discovery Order by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 09/17/2018)
09/18/2018	<u>27</u>	ORDER granting <u>24</u> Motion to Appear. Signed by Judge Warren W. Eginton on 9/18/2018. (Gould, K.) (Entered: 09/18/2018)
10/12/2018	<u>28</u>	MOTION for Extension of Time until October 26, 2018 to file its Reply to the Plaintiffs' Motion in Opposition to the Defendant's Motion for Summary Judgment and Opposition to the Plaintiffs' Cross Motion for Discovery <u>25</u> Memorandum in Opposition to Motion,,, <u>26</u> Cross MOTION for Discovery Order by U.S. Department of Commerce. (Green, Brenda) (Entered: 10/12/2018)

10/17/2018	29	ORDER granting <u>28</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 10/17/2018. (LaMura, K.) (Entered: 10/17/2018)
10/17/2018	30	Set/Reset Deadlines as to <u>26</u> Cross MOTION for Discovery Order. Responses due by 10/26/2018 (LaMura, K.) (Entered: 10/17/2018)
10/26/2018	<u>31</u>	MOTION for Extension of Time until November 2, 2018 to file its Reply in support of the Defendant's Motion for Summary Judgment and Opposition to the Plaintiffs' Cross-Motion for Discovery <u>25</u> Memorandum in Opposition to Motion,,, <u>26</u> Cross MOTION for Discovery Order by U.S. Department of Commerce. (Green, Brenda) (Entered: 10/26/2018)
10/30/2018	32	ORDER granting <u>31</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 10/30/2018. (LaMura, K.) (Entered: 10/30/2018)
10/30/2018		Set/Reset Deadlines as to <u>26</u> Cross MOTION for Discovery Order, <u>20</u> MOTION for Summary Judgment . Responses due by 11/2/2018 (LaMura, K.) (Entered: 10/30/2018)
11/02/2018	<u>33</u>	STIPULATION re <u>25</u> Memorandum in Opposition to Motion,,, <u>20</u> MOTION for Summary Judgment by U.S. Department of Commerce. (Green, Brenda) (Entered: 11/02/2018)
11/05/2018	34	ORDER re <u>33</u> Stipulation filed by U.S. Department of Commerce. In accordance with doc. 33, Defendant shall produce non-exempt information that does not constitute an undue burden to the agency in the several categories of discrete documents. Signed by Judge Warren W. Eginton on 11/5/2018.(LaMura, K.) (Entered: 11/05/2018)
11/05/2018	35	ORDER approving re <u>33</u> Stipulation filed by U.S. Department of Commerce. approve Stipulation for extension to the deadline for Defendants Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiffs Cross-Motion for Discovery through November 15, 2018. However, the Court requests that motions for extension of time be filed as a motion rather than a stipulation. Signed by Judge Warren W. Eginton on 11/5/2018.(LaMura, K.) (Entered: 11/05/2018)
11/19/2018	<u>36</u>	MOTION for Extension of Time until December 17, 2018 to file a Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery, nunc pro tunc <u>25</u> Memorandum in Opposition to Motion,,, <u>26</u> Cross MOTION for Discovery Order by U.S. Department of Commerce. (Green, Brenda) (Entered: 11/19/2018)
11/20/2018	37	ORDER granting <u>36</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 11/20/2018. (Welles, T.) (Entered: 11/20/2018)
12/17/2018	<u>38</u>	MOTION for Extension of Time until January 17, 2019 to file Defendant's Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery <u>25</u> Memorandum in Opposition to Motion,,, <u>26</u> Cross MOTION for Discovery Order by U.S. Department of Commerce. (Green, Brenda) (Entered: 12/17/2018)
12/18/2018	<u>39</u>	RESPONSE re <u>38</u> MOTION for Extension of Time until January 17, 2019 to file Defendant's Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery <u>25</u> Memorandum filed by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 12/18/2018)
12/18/2018	40	ORDER granting over Objections <u>38</u> MOTION for Extension of Time until January 17, 2019 to file Defendant's Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery. No further extensions of time will be granted. Signed by Judge Warren W. Eginton on 12/18/18. (Imbriani, Susan) (Entered: 12/18/2018)
12/18/2018		Set/Reset Deadlines as to <u>26</u> Cross MOTION for Discovery Order, <u>20</u> MOTION for Summary Judgment . Respons/Oppositin due by 1/17/2019. (Imbriani, Susan) (Entered: 12/18/2018)

01/17/2019	<u>41</u>	MOTION for Extension of Time until January 22, 2019 to file a Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery <u>25</u> Memorandum in Opposition to Motion,,, by U.S. Department of Commerce. (Green, Brenda) (Entered: 01/17/2019)
01/18/2019	<u>42</u>	ORDER granting <u>41</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 1/18/19. (Ladd-Smith, I.) (Entered: 01/18/2019)
01/22/2019	<u>43</u>	MOTION for Extension of Time to file Defendant's Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery <u>25</u> Memorandum in Opposition to Motion,,, <u>26</u> Cross MOTION for Discovery Order by U.S. Department of Commerce. (Green, Brenda) (Entered: 01/22/2019)
01/22/2019	<u>44</u>	RESPONSE <i>Clarifying Position of Plaintiffs on Defendant's Motion for Extension of Time</i> filed by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 01/22/2019)
01/28/2019	<u>45</u>	ORDER granting <u>43</u> Motion for Extension of Time to January 31, 2019 for Defendant to either (a) file a joint stipulation of settlement with Plaintiffs, or (b) file its brief supporting its motion for summary judgment and opposing Plaintiffs cross-motion for discovery. Signed by Judge Warren W. Eginton on 1/28/2019. (Welles, T.) (Entered: 01/28/2019)
01/28/2019		Set/Reset Deadlines as to <u>26</u> Cross MOTION for Discovery Order, <u>20</u> MOTION for Summary Judgment Responses due by 1/31/2019. (Imbriani, Susan) (Entered: 01/29/2019)
01/31/2019	<u>46</u>	MOTION for Extension of Time until February 4, 2019 to file a Reply to Plaintiffs' Opposition to Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross Motion for Discovery <u>25</u> Memorandum in Opposition to Motion,,, <u>26</u> Cross MOTION for Discovery Order by U.S. Department of Commerce. (Green, Brenda) (Entered: 01/31/2019)
02/04/2019	<u>47</u>	ORDER granting <u>46</u> Motion for Extension of Time. Signed by Judge Warren W. Eginton on 2/4/2019. (LaMura, K.) (Entered: 02/04/2019)
02/04/2019		Set/Reset Deadlines as to <u>26</u> Cross MOTION for Discovery Order, <u>20</u> MOTION for Summary Judgment . Responses due by 2/4/2019 (LaMura, K.) (Entered: 02/04/2019)
02/04/2019	<u>48</u>	STIPULATION of Settlement by NAACP Boston Branch, NAACP Connecticut State Conference, National Association for the Advancement of Colored People. (Wishnie, Michael) (Entered: 02/04/2019)
02/05/2019	<u>49</u>	ORDER; The Court so orders the stipulation. The parties are obligated to comply with the terms of the Settlement Agreement. All pending motions (docs. 20 and 26) are DENIED without prejudice and the case will be closed administratively without prejudice to reopening. The Court will retain jurisdiction over the matter. re <u>48</u> Stipulation filed by National Association for the Advancement of Colored People, NAACP Connecticut State Conference, NAACP Boston Branch Signed by Judge Warren W. Eginton on 2/5/2019.(LaMura, K.) (Entered: 02/05/2019)
02/05/2019	<u>50</u>	ORDER;All pending motions (docs. 20 and 26) are DENIED without prejudice and the case will be closed administratively without prejudice to reopening. The Court will retain jurisdiction over the matter. denying without prejudice <u>20</u> Motion for Summary Judgment; denying without prejudice <u>26</u> Motion for Order. Signed by Judge Warren W. Eginton on 2/5/2019. (LaMura, K.) (Entered: 02/05/2019)
02/05/2019		JUDICIAL PROCEEDINGS SURVEY – FOR COUNSEL ONLY: The following link to the confidential survey requires you to log into CM/ECF for SECURITY purposes. Once in CM/ECF you will be prompted for the case number. Although you are receiving this survey through CM/ECF, it is hosted on an independent website called SurveyMonkey. Once in SurveyMonkey, the survey is located in a secure account. The survey is not docketed and it is not sent directly to the judge. To ensure anonymity, completed surveys are held up to 90 days before they are sent to the judge for review. We hope you will take this opportunity to participate, please click on this link:

https://ecf.ctd.uscourts.gov/cgi-bin/Dispatch.pl?survey  
(Fazekas, J.) (Entered: 02/06/2019)